

**Notice of Allowability**

Application No.

09/724,616

Examiner

Qamrun Nahar

Applicant(s)

ZIEGLER ET AL.

Art Unit

2124

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 9/1/04.
2. ☒ The allowed claim(s) is/are 1 and 3-23.
3. ☒ The drawings filed on 11/28/00 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

### **DETAILED ACTION**

1. This action is in response to the amendment filed on 9/1/04.
2. The rejection under 35 U.S.C. 103(a) as being unpatentable over Tsai (U.S. 6,161,196) in view of "GDB Tutorial", by Kierstead et al., 1993 (hereinafter Kierstead) to claims 1 and 9 is withdrawn in view of applicant's amendment and remarks/arguments.
3. The rejection under 35 U.S.C. 103(a) as being unpatentable over Tsai (U.S. 6,161,196) in view of "GDB Tutorial", by Kierstead et al., 1993 (hereinafter Kierstead), and further in view of Fuchs (U.S. 5,590,277) to claims 2-8 and 10-14 is withdrawn in view of applicant's amendment and remarks/arguments.
4. Claim 2 has been cancelled.
5. Claims 1, 3 and 9-10 have been amended.
6. Claims 15-23 have been added.
7. Claims 1 and 3-23 are pending.
8. Claims 1 and 3-23 are allowed.

### **REASONS FOR ALLOWANCE**

9. The following is an examiner's statement of reasons for allowance:

The cited prior art taken alone or in combination fail to teach, in combination with the other claimed limitations, upon detecting an error in execution of the first set of object code, initially re-executing the first set of object code; and resuming execution using the second set of object code if the first set of object code fails in re-execution as recited in independent claims 1 and 9; upon detecting an error in execution of the first set of object code, selecting between the

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first set of object code and the second set of object code in resuming execution of the program as substantially recited in independent claims 5, 10, 11, 15, 19 and 20.

The closest cited prior arts, the combination of Tsai (U.S. 6,161,196), Kierstead, and Fuchs (U.S. 5,590,277) teaches a method and apparatus for software error recovery. However, the combination of Tsai (U.S. 6,161,196), Kierstead, and Fuchs (U.S. 5,590,277) fails to teach upon detecting an error in execution of the first set of object code, initially re-executing the first set of object code; and resuming execution using the second set of object code if the first set of object code fails in re-execution as recited in independent claims 1 and 9; upon detecting an error in execution of the first set of object code, selecting between the first set of object code and the second set of object code in resuming execution of the program as substantially recited in independent claims 5, 10, 11, 15, 19 and 20; and as pointed out by the applicant's remarks/arguments on pg. 10, par. 8 to pg. 12, par. 1; and pg. 12, par. 4 to pg. 13, par. 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

10. Any inquiry concerning this communication from the examiner should be directed to Qamrun Nahar whose telephone number is (571) 272-3730. The examiner can normally be reached on Mondays through Thursdays from 8:30 AM to 6:00 PM. The examiner can also be reached on alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki, can be reached on (571) 272-3719. The fax phone number for the organization where this application or processing is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Qamrun Nahar  
November 18, 2004



ANIL KHATRI  
PRIMARY EXAMINER